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EXAMINER	
IRSHADULLAH, M	
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Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

Office Action Summary

Application No.	Applicant(s)
09/110,103	Powers et al.
Examiner	**Art Unit**
M. Irshadullah	2163

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *May 22, 2001*

2a)☐ This action is **FINAL.** 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11; 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-17* is/are pending in the application.

4a) Of the above, claim(s) _____ is/are withdrawn from consideratio

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-17* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claims _____ are subject to restriction and/or election requirement

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are objected to by the Examiner.

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

13)☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

a)☐ All b)☐ Some* c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____ .

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

*See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

15)☒ Notice of References Cited (PTO-892)

16)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

17)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s). _____

18)☐ Interview Summary (PTO-413) Paper No(s). _____

19)☐ Notice of Informal Patent Application (PTO-152)

20)☐ Other:

DETAILED ACTION

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on May 22, 2001 has been entered.

Summary Of Instant Office Action

2. Applicant's arguments concerning claims 1-8, 11-14 rejections, para 9, and claims 9-10 and 15-116 rejections, para 11, Paper No. 11, Office Action, mailed November 22, 200 have been considered, deemed unpersuasive and the rejections are maintained.

3. The amendments to claims 1, 2, 5-7, new claim 17 have been entered and are under prosecution in the Office Action set out below.

4. In view of the amendments to claims 1 and 7, claims' rejection under 35 U.S.C. 101 is withdrawn.

Claim Rejections - 35 USC § 102

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless --
>
> (e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

6. Claims 1-17 are rejected under 35 U.S.C. 102(e) as being anticipated by Havens (US Patent 5,909,669).

Havens shows:

Claim 1. A computer-implementable method for importing external productivity data into a performance evaluation system [Title, Abstract, lines 1-6 recited with col 5, lines 58-61 (specifically line 61)], comprising:

a) storing a plurality of user-defined data elements for an evaluation process [Fig. 2 (66), col 10, lines 19-21, col 6, lines 19-23 (specifically line 22), 23-48, claim 1, col 14, line 32, col 5, lines 59-60 recited with col 3, lines 9-12, 39-41, col 11, lines 9-133, abstract, line 1 and col 1, lines 7-8, Fig. 3 (132)];

b) storing a user-defined configuration table for a data file comprising external productivity data, the configuration table operable to identify external productivity data items in the data file and to map external productivity data items to data elements for the evaluation

process [Fig. 2 (66), col 10, lines 19-21, col 6, lines 19-23 (specifically line 22), col 5, lines 59-61, read with col 3, lines 9-13 and Fig. 1 (5, 7 etc.)Described col 2, line 32 through col 6, line 17 (specifically col 2, lines 66-67 continue col 3, lines 1-12, 25-27 and 39-41), col 13, lines 66-67 continue col 14, lines 1-4];

c) mapping external productivity data items from the data file to the data elements based on the configuration table [Col 7, lines 35-57, Fig. 1, Fig. 2 (60 to 12, 14, 16 & 18, 15 to 12, 14, 16 and arrows showing transfer of data between 20-40 and 14, 16, 18 and col 13, line 67. Applicant will appreciate that "file(s)" or "table(s)" are the means to depict the data structure and specifically in the context of database jargon]; and

d) inserting the external productivity data items into a plurality of productivity tables based on the mapping of the external productivity data items to the data elements, the external productivity data items inserted into the productivity tables capable of being used to calculate productivity scores for the evaluation process [Col 6, lines 11-14 (specifically lines 13-14), Fig. 2 described col 6, line 19 through col 10, line 61 (specifically col 6, lines 19-23, 58-67 continue col 7, lines 1-5, col 10, lines 43-50 and 50-54), Fig. 2 (38), col 8, lines 10-25 and Fig. 1 (50, 54, 58, 52, 56, 59, 59, 55, 57), col 3, line 50, col 4, lines 15, 58-60].

Claim 2. The method of Claim 1, the configuration table further operable to associate a data item with a member of the performance evaluation system [Figs. 1 and 2, Fig. 3 (132), col 5, line 61].

Claim 3. The method of Claim 1, wherein the data file is a delimited file [Fig. 2 (26), col 7, lines 22-34].

Claim 4. The method of Claim 1, wherein the data file is not a delimited file and further comprising:

a) storing a preprocessor file operable to generate a delimited file from the data file [Fig. 2 (66), col 10, lines 19-21, col 6, lines 19-23 (specifically line 22), col 13, line 67]; and

b) using the preprocessor file to generate the delimited file from the data file [Col 10, lines 19-21, .col 7, lines 22-34 (specifically lines 32-34) and col 13, line 67]

Claim 5. The method of Claim 1, further comprising the configuration table operable to identify a type for each of the data items [Fig. 1 (any of I, II, III or IV)].

Claim 6. The method of Claim 1, further comprising the configuration table operable to identify a format for each of the data items [Fig. 1 and col 6, lines 62-63].

Claim 7. A computer- implementable performance evaluation system, comprising:

a) a first database table operable to store a plurality of user-defined data elements for an evaluation process [Fig. 2 (15 to 12), col 6, lines 19-23 (specifically line 22), Fig. 1 (I), col 5, lines 59-60, recited with col 3, lines 9-12, 39-41, col 11, lines 9-133, abstract, line 1 and col 1, lines 7-8, Fig. 3 (132)];

b) a second database table operable to store configuration information for importing a data file comprising external productivity data into the performance evaluation system, the configuration information operable to identify external productivity data items in the data file and to map external productivity data items to data elements for the evaluation process [Fig. 2 (any of 14, 16 or 18), col 6, lines 19-21, 23-33, 34-39 Fig. 1 (II), [Fig. 2 (66), col 10, lines 19-21, col 6, lines 19-23 (specifically line 22), 23-48, claim 1, col 14, line 32, col 5, lines 59-60 recited with col 3, lines 9-12, 39-41, col 11, lines 9-133, abstract, line 1 and col 1, lines 7-8, Fig. 3 (132)]; and

c) a third database table operable to'. store productivity data, at least a portion of the productivity data comprising external productivity data items inserted into the third database table based on the mapping of the external productivity data items to the data elements, the productivity data capable of being used to calculate productivity scores for the evaluation process [Fig. 2 (any of 14, 16 or 18), Col 6, lines 11-14 (specifically lines 13-14), Fig. 2 described col 6, line 19 through col 10, line 61 (specifically col 6, lines 19-23, 58-67 continue col 7, lines 1-5,

col 10, lines 43-50 and 50-54), Fig. 2 (38), col 8, lines 10-25 and Fig. 1 (50, 54, 58, 52, 56, 59, 59, 55, 57), col 3, line 50, col 4, lines 15, 58-60].

Claim 8. The performance evaluation system of Claim 7, further comprising a configuration including the configuration information and an identifier for associating a data item to a member of the performance evaluation system [Fig. 1 (I, II, III , IV), col 12, lines 61-67 continue col 13, lines 1-10 (specifically lines 5-8)].

Claim 9. The method of Claim 1, further comprising receiving the data file from an external device [Fig. 2 (15 to 12)].

Claim 10. The method of Claim 9, wherein the external device comprises a telephony switch [Use of telephony switch in communication art is notoriously known and practiced].

Claim 11. The system of Claim 7, wherein the data file is a delimited file [Fig. 2 (26), col 7, lines 22-34].

Claim 12. The system of Claim 7, wherein the data file is not a delimited file and further comprising a preprocessor file operable to generate a delimited file from the data file [Col 10, lines 19-21, col 7, lines 22-34 (specifically lines 33-34) and col 13, line 67].

Claim 13. The system of Claim 7, the configuration information further operable to identify a type for each of the data items [Fig. 1 and col 13, lines 5-9].

Claim 14. The system of Claim 7, the configuration information further operable to identify a format for each of the data items [Fig. 2 (20), col 6, lines 58-67 (specifically lines 62 and 63].

Claim 15. The system of Claim 7, wherein the data file is operable to be received from an external device [Fig. 2 (60 to 12 or any of 20-44 interacting with any of 14, 16 or 18)].

Claim 16. The system of Claim 15, wherein the external device comprises a telephony switch [Use of telephony switch in communication art is notoriously known and practiced].

Claim 17. (New) A computer-implementable method for importing external productivity data into a performance evaluation system [Title, Abstract, lines 1-6 recited with col 5, lines 58-61 (specifically line 61)], comprising:

a) storing a plurality of user-defined data elements for an evaluation process [Fig. 2 (66), col 10, lines 19-21, col 6, lines 19-23 (specifically line 22), 23-48, claim 1, col 14, line 32, col 5, lines 59-60 recited with col 3, lines 9-12, 39-41, col 11, lines 9-133, abstract, line 1 and col 1, lines 7-8, Fig. 3 (132)];

b) storing a user-defined configuration table for a data file comprising external productivity data, the configuration table operable to identify external productivity data items in the data file, to map external productivity data items to data elements for the evaluation process, to associate a data item with a member of the performance evaluation system, to identify a type for each of the data items, and to identify a format for each of the data items [Fig. 2 (66), col 10, lines 19-21, col 6, lines 19-23 (specifically line 22), col 5, lines 59-61, read with col 3, lines 9-13 and Fig. 1 (5, 7 etc.)Described col 2, line 32 through col 6, line 17 (specifically col 2, lines 66-67 continue col 3, lines 1-12, 25-27 and 39-41), col 13, lines 66-67 continue col 14, lines 1-4];

c) receiving the data file from an external device, the external device comprising a telephony switch [Fig. 2 (60 to 12 or any of 20-44 interacting with any of 14, 16 or 18) and col

10, line 9, and as said above, use of telephony switch in communication art is notoriously know and practiced];

d) mapping external productivity data items from the data file to the data elements based on the configuration table [Col 7, lines 35-57, Fig. 1, Fig. 2 (60 to 12, 14, 16 & 18, 15 to 12, 14, 16 and arrows showing transfer of data between 20-40 and 14, 16, 18 and col 13, line 67. Applicant will appreciate that "file(s)" or "table(s)" are the means to depict the data structure and specifically in the context of database jargon]; and

e) inserting the external productivity data items into a plurality of productivity tables based on the mapping of the external productivity data items to the data elements, the external productivity data items inserted into the productivity tables capable of being used to calculate productivity scores for the evaluation process [Col 6, lines 11-14 (specifically lines 13-14), Fig. 2 described col 6, line 19 through col 10, line 61 (specifically col 6, lines 19-23, 58-67 continue col 7, lines 1-5, col 10, lines 43-50 and 50-54), Fig. 2 (38), col 8, lines 10-25 and Fig. 1 (50, 54, 58, 52, 56, 59, 59, 55, 57), col 3, line 50, col 4, lines 15, 58-60].

Response to Arguments

7. Applicant's arguments filed October 30, 2000 have been fully considered but the same are not persuasive.

a) Pages 5-6: " The Examiner .....

..... for the evaluation process ". The arguments are moot in view of withdrawal of 35 U.S.C. 101 rejection.

b) Page 6: " Independent claim 1 ..... to recite the external productivity data..... process ". Applicant is referred to the rejection of Applicant's claim 1d above.

c) Pages 6-7 " Applicants ..... teach or suggest storing a plurality of user defined data elements .... to the evaluation process, mapping ..... as recited by amended claim 1 ". Applicant is directed to the rejection of Applicant's claim 1a, 1b and 1c above.

d) Page 7: " In contrast ..... for importing external data into a performance evaluation system ". Applicant is referred to Havens Title, abstract, line 1, col 1, lines 5-8 and Figs. 1 to 3 which clearly show a method and system for assessment/evaluation process of workers' productivity/performance employing survey data coming from workers or managers etc. [Col 13, lines 44-47, col 5, lines 58-61] who would, prior to implementing the method/process, be defining data elements, configuring data into some

form/format to be structured (file or table: Fig. 1- I, II, III or IV, col 13, line 67) and storing in databases 12, 14, 16 or 18 and Retriever 20 as well as other components (Fig. 2: 22-44) would retrieve/receive data from the databases and store/insert data into the databases or mapping the data coming from, going to one database to another. Moreover, Havens system were operable on more than one computer 60 [col 10, line 9] which would be located at different locations within or outside the system, such that the data would be external for each of them. By the same token, data coming from and going to, say, database 14 to 16 or 18 and vice versa would be external to each other.

In the light of above mentioned facts, Examiner respectfully states that applicants' arguments have been fully considered, deemed unpersuasive and the rejections under prior Office Action, Paper No. 11, mailed November 22, 2000 are maintained.

Conclusion

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

A) Gisby, US Patent 6,259,786 B1. Intelligent Virtual Queue.

B) Fethe, US Patent 5,926,794. Visual Rating System And Method.

C) White, Jr., US Patent 5,893,069. System And Method For Testing Prediction Model.

D) t al., US Patent 5,283,731. Computer-Based Classified AD System And Method.

E) Ghahramani, US Patent 5,724,262. Method For Measuring The Usability Of A System And For Task Analysis And Re-Engineering.

F) Powers et al., US Patent 5,684,964. Method And System For Monitoring And Controlling The Performance Of An Organization.

G) Atalla, US Patent 5,594,915. Microcell Computer System And Method Using Cell Access Switch And Functionally Partitioned Moving Memory Architecture.

H) Powers et al., US Patent 5,500,795. Method And System For Monitoring The Performance Of A Call Processing System.

I) Sainen, US Patent 5,321,621. Method Of Optimizing The Control Of Looms For Improving The Economic Efficiency Of A Weaving Mill.

J) Smart, US Patent 5,241,621. Management Issue Recognition And Resolution Knowledge Processor.

K) Loshing et al., US Patent 4,476,535. System For Monitoring, Transmitting And Conditioning Of Information Gathered At Selected Locations.

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Irshadullah whose telephone number is (703) 308-6683. The examiner can normally be reached on M-F from 11:00 am to 5:30 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor , Tariq Hafiz, can be reached on (703) 305-9643. The fax numbers for the organization are (703) 305-0040/308-6306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-3900.

M. Irshadullah

July 12, 2001

TARIQ R. HAFIZ
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